UNITED STATES DISTRICT COURT WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

JESSICA JONES, et al.,

Plaintiffs,

v.

VARSITY BRANDS, LLC, et al.,

Defendants.

Civ. Action No. 2:20-cv-02892

DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR LEAVE TO FILE REPLY IN SUPPORT OF CROSS-MOTION FOR SANCTIONS

On April 13, 2023, Plaintiffs filed a motion for leave to file a reply in support of their cross-motion for sanctions. *See* ECF No. 437. Plaintiffs did not consult with Defendants prior to filing their motion and failed to include a certificate of consultation, both in violation of Local Rule 7.2(a)(1)(B). "Failure to attach an accompanying certificate of consultation may be deemed good grounds for denying the motion." LR 7.2(a)(1)(B). Moreover, Plaintiffs' proposed reply brief, attached to the motion, simply repeats arguments that Plaintiffs previously raised in their cross-motion for sanctions, their motion to add a class representative, their reply in support of their motion to add a class representative, and their response to Defendants' motion for sanctions. *See* ECF Nos. 437-1; 394; 414; 433. Defendants therefore oppose Plaintiffs' motion for leave to file a reply.

Dated: April 14, 2023 Respectfully submitted,

s/ Matthew S. Mulqueen

George S. Cary*

Steven J. Kaiser*
Linden Bernhardt*
CLEARY GOTTLIEB STEEN & HAMILTON LLP
2112 Pennsylvania Avenue, NW
Washington, DC 20037
Phone: (202) 974-1500

Phone: (202) 974-1500 Fax: (202) 974-1999 gcary@cgsh.com skaiser@cgsh.com lbernhardt@cgsh.com

Jennifer Kennedy Park*
Heather Nyong'o*
CLEARY GOTTLIEB STEEN & HAMILTON LLP
1841 Page Mill Road, Suite 250
Palo Alto, CA 94304
Phone: (650) 815-4100
Fax: (202) 974-1999
jkpark@cgsh.com
hnyongo@cgsh.com

* Admitted pro hac vice

Matthew S. Mulqueen (TN #28418)
Adam S. Baldridge (TN #23488)
BAKER, DONELSON, BEARMAN, CALDWELL &
BERKOWITZ
165 Madison Avenue, Suite 2000
Memphis, TN 38103
Phone: (901) 526-2000
Fax: (901) 577-0866
mmulqueen@bakerdonelson.com
abaldridge@bakerdonelson.com

Attorneys for Varsity Brands, LLC; BSN Sports, LLC; Varsity Spirit, LLC; Stanbury Uniforms, LLC; Herff Jones, LLC; Varsity Brands Holding Co., Inc.; Varsity Spirit Fashions & Supplies, LLC; Varsity Intropa Tours

s/ Nicole Berkowitz Riccio

Grady Garrison (TN #008097) Nicole Berkowitz Riccio (TN #35046) James Andrew Roach (TN #37934) Karen Lott Glover (TN #38714) BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ

165 Madison Avenue, Suite 2000

Memphis, TN 38103 Phone: (901) 526-2000 Fax: (901) 577-0866

ggarrison@bakerdonelson.com nriccio@bakerdonelson.com aroach@bakerdonelson.com kglover@bakerdonelson.com

Attorneys for U.S. All Star Federation, Inc. and USA Federation for Sport Cheering, d/b/a USA Cheer

s/ Brendan P. Gaffney

Paul E. Coggins*
Brendan P. Gaffney*
Michele Naudin
LOCKE LORD LLP
2200 Ross Avenue, Suite 2800
Dallas, TX 75201
Phone: (214) 740-8000
Fax: (214) 740-8800
pcoggins@lockelord.com
bgaffney@lockelord.com

* Admitted pro hac vice

Edward L. Stanton III (TN #018904) BUTLER SNOW LLP 6075 Poplar Avenue, Suite 500 Memphis, Tennessee 38119 Telephone: (901) 680-7336 Fax: (901) 680-7201 Edward.Stanton@butlersnow.com

Attorneys for Jeff Webb